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LAWRENCE E ASHERY
RATNER & PRESTIA
ONE WESTLAKES BERWYN
SUITE 301 PO BOX 980
VALLEY FORGE PA 19482-0980

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DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

Status Check
9/13/04
Lead

In re Application of
Masaji Ueno
Application No. 09/446,790
Filed: March 20, 2000

DECISION ON PETITION
TO WITHDRAW HOLDING OF
ABANDONMENT

For: VIDEO SIGNAL RECORDING AND REPRODUCTION DEVICE AND VIDEO
SIGNAL REPRODUCTION DEVICE

This is a decision on the Petition to Withdraw Holding of Abandonment under 37 CFR § 1.181(a) filed January 26, 2004. No fee is required.

A Notice of Abandonment was mailed January 20, 2004 for failure to timely submit the issue fee within a statutory period of three months from the Notice of Allowance mailed July 1, 2003.

Petitioner alleges non-receipt of the notice of Allowance and Issue Fee Due mailed July 1, 2003. In support of the petition, petitioner has provided a statement that the office communicated was not received by the petitioner. In addition, attached to and reference in the petition is a copy of the docket record where the non-received office communication would have been entered had it been received and docketed.

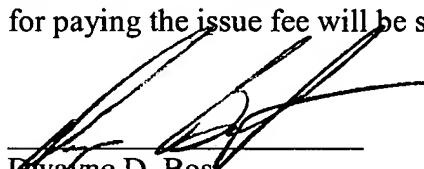
A review of the file finds that the U.S. Postal Service returned the original Notice of Allowance and Issue Fee as undeliverable on July 18, 2003. Although, there was no finding of irregularity in the correspondence address, there was an obvious irregularity in mailing. The Patent and Trademark Office regrets any inconvenience to Petitioner.

The Notice of Allowance and Issue Fee Due mailed July 1, 2003 is vacated. Also, the Notice of Abandonment mailed January 20, 2004 is hereby vacated and the holding of Abandonment withdrawn.

The petition is **GRANTED**.

Since it has been established that the Notice of Allowance was not received, it is presumed that Applicant also failed to receive the Notice of Allowability. The application file is being returned to the Examiner to update the Notice of Allowability. The application will then be forwarded to the Technology Center's technical support staff for mailing of a new Notice of Allowance and

Issue Fee Due, and the Notice of Allowability. The three (3) month non-extendable time period for paying the issue fee will be set to run from the mailing date of the Notices.


Dwayne D. Bost
Special Program Examiner
Technology Center 2600
Communications